

REMARKS

In the application claims 1, 5-12, 14-21, and 23-28 and remain pending, claims 2-4, 12, and 22 having been canceled. Claims 24-28 have been added by amendment and find their support in the application as originally filed.

All of the pending claims presently stand rejected. A reconsideration of the rejection of the claims is hereby requested.

In the Office Action it was indicated that additional information was required for the information disclosure statement filed December 29, 2003. As of the date of mailing this office action response applicant has been unable to locate sufficient publication dates for the materials indicated by the examiner. Applicant will continue attempts to locate such dates, and will forward all relevant materials to examiner as applicable.

Claims 1, 3, 5-7, and 10-15 were rejected under 35 U.S.C. § 102 as being anticipated by the Lang et al article. In rejecting the claims, the Office Action set forth that Lang discloses a moveable assembly comprising a bottom portion, a moveable top portion (load table), and an electromagnetic assembly comprising a coil integrated with the top portion and a magnet integrated with the bottom portion.

Claims 2, 4, 18-21, and 23 were rejected under 35 U.S.C. § 103 as being unpatentable over Lang et al in view of Schloss (U.S. 3,262,308). In rejecting the claims, the Office Action set forth that Lang discloses supporting the load table using support flexures. With respect to Schloss, the Office Action sets forth that Schloss teaches supporting a load table with a spring assembly about the periphery of an electromagnetic assembly. Thus, the Office Action concluded that "it would have been obvious" to have included this in the system of Lang in order to support the load table of Lang.

In response to this rejection, it is respectfully submitted that an obviousness rejection, like a rejection under 35 U.S.C. § 102, requires that a combination of prior art references disclose each and every element set forth in a claim under consideration. In this regard, each word of a claim must be considered when determining if a claim is rendered obvious. While claims are to be given their broadest reasonable interpretation during the examination process, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. Furthermore, when rendering an obviousness rejection it is impermissible to pick and choose from a reference only so much as will support a position of obviousness while disregarding what a reference fairly teaches in its entirety.

Claims 1, 3, and 5-8 were rejected under 35 U.S.C. § 102 as being anticipated by Saito (U.S. 5,528,697). In rejecting the claims, the Office Action set forth that Saito discloses a moveable assembly comprising a bottom portion, a moveable top portion, and an electromagnetic assembly comprising a portion 11 integrated with the top portion and another portion integrated with the bottom portion.

Claims 1-8, 10-15, 18-21 and 23 were rejected under 35 U.S.C. § 102 as being anticipated by Lee (U.S. 6,211,775). In rejecting the claims, the Office Action set forth that Lee discloses a moveable assembly comprising a bottom portion, a moveable top portion, and an electromagnetic assembly comprising a portion integrated with the top portion and another portion integrated with the bottom portion.

Claims 9, 17, and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Lee. In rejecting claim 9, the Office Action set forth that Lee discloses a coil, and argues that it is well known in the art to provide coils in or on a surface. Regarding claim 17, the Office Action sets forth that Lee discloses providing shock absorbing material at a place where a

vibrating body collides with a case, and argues that it would have been obvious to one skilled in the art to provide shock-absorbing material at a place where the vibrating body collides with the fixed cover as a result of transverse motion. Regarding claim 22, the Office Action sets forth that Lee discloses a current supplying section connected to the coil, and argues that it would have been obvious that the vibration apparatus is intended to be used with alternate power supplies.

In response to this rejection, it is respectfully submitted that an obviousness rejection, like a rejection under 35 U.S.C. § 102, requires that a combination of prior art references disclose each and every element set forth in a claim under consideration. In this regard, each word of a claim must be considered when determining if a claim is rendered obvious. While claims are to be given their broadest reasonable interpretation during the examination process, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. Furthermore, when rendering an obviousness rejection it is impermissible to pick and choose from a reference only so much as will support a position of obviousness while disregarding what a reference fairly teaches in its entirety.

As described in the subject application, the claimed invention is directed to an electromagnetic transducer apparatus that addresses the problems associated with placing such a device between two typically closely coupled surfaces and/or objects (i.e., a floor and a portion of an item of furniture, such as a leg or other supporting member) for purposes of imparting vibrational motion to the surface or object. For example, when the electromagnetic transducer apparatus of the present invention is configured under one leg of a chair or similar item of furniture and the electromagnetic assembly thereof driven by a power source (e.g. an amplified audio signal) the chair, and any subject(s) seated thereon, may be caused to experience vibrational motion corresponding to the characteristics of the amplified audio signals. Such

vibrational motion is achieved via the direct drive force of the electromagnetic apparatus acting against the fixed surface of the floor on the leg of the furniture during operation. For this reason, the subject invention can be distinguished from so called “inertial” type transducers which impart vibrational motion via inertial forces generated by a moving mass and need to be affixed to only one surface of the object to be vibrated. That the art of record fails to disclose or teach a shaker assembly (electromagnetic transducer) for supporting at least a portion of an item of furniture has been acknowledged by the examiner in an interview conducted January 21, 2005.

Turning now to Lang, it is submitted that Lang not only fails to disclose, teach, or suggest the claimed moveable assembly for imparting vibratory motion to an item of furniture, but in fact teaches away from a top portion for rigidly supporting an object such as a portion of an item of furniture in that Lang discloses an armature structure that is “recognized as being elastic rather than rigid.” It is believed that the Office Action acknowledges this fact since the Office Action never asserts that Lang discloses, among other things, the claimed “rigidly supporting at least a portion of the item of furniture.”

Turning now to Schloss, Schloss similarly fails to disclose, teach, or suggest a moveable assembly for imparting vibratory motion to an item of furniture. Again it is believed that the Office Action acknowledges this fact since the Office Action never asserts that Schloss discloses, among other things, the claimed “rigidly supporting at least a portion of the item of furniture.”

Rather than disclose, teach, or suggest the claimed moveable assembly, Schloss discloses a device wherein a rod is used to decouple the shaker member from the load bearing table for purposes of isolating vibrations along a single axis. Furthermore, Schloss discloses an inertial type shaker assembly which functions in a fundamentally different manner than the subject invention.

Turning now to Saito, Saito similarly fails to disclose, teach, or suggest a moveable assembly for imparting vibratory motion to an item of furniture. Again it is believed that the Office Action acknowledges this fact since the Office Action never asserts that Saito discloses, among other things, the claimed “rigidly supporting at least a portion of the item of furniture.”

Rather than disclose, teach, or suggest the claimed moveable assembly, Saito discloses a device incorporating a flexible diaphragm for generating both audio frequencies and vibrational energy. Additionally, Saito is also best understood as an inertial type shaker assembly which functions in a fundamentally different manner than the subject invention.

Turning now to Lee, Lee similarly fails to disclose, teach, or suggest a moveable assembly for imparting vibratory motion to an item of furniture. Again it is believed that the Office Action acknowledges this fact since the Office Action never asserts that Lee discloses, among other things, the claimed “rigidly supporting at least a portion of the item of furniture.”

Rather than disclose, teach, or suggest the claimed moveable assembly, Lee discloses a dual purpose device for generating both a sound wave and vibration for use in a portable communication device. Furthermore, Lee similarly discloses an inertial type shaker assembly which functions in a fundamentally different manner than the subject invention.

From the foregoing, it is respectfully submitted that since neither Lang, Schloss, Saito nor Lee can be said to disclose, teach, or suggest each and every element of the claims as is required to maintain a rejection under 35 U.S.C. § 102 the rejections set forth in the Office Action must be withdrawn. It is further submitted that, by failing to disclose those claim elements that are missing from Lang, Schloss cannot be said to suggest modifying Lang to solve the problem the subject invention solves. Since it is impermissible to maintain a rejection under 35 U.S.C. § 103 when it is evident that the determination of obviousness could only have been reached through

the impermissible use of the applicants' disclosure as a template to piece together bits and pieces of the cited references without regard to what such references fairly teach in their entirety (i.e., both Lang and Schloss fail to have the disclosure necessary to suggest the modification of Lang espoused in the Office Action), the rejections under 35 U.S.C. § 103 must be withdrawn.

With regard to rejections under 35 U.S.C. § 103 related to Lee, it is submitted that by failing to cite any further art that would teach or suggest the combinations necessary to maintain the rejections based on obviousness with respect to Lee, the determination of obviousness could only have been reached through the impermissible use of the applicants' disclosure as a template to piece together bits and pieces of the concepts and ideas necessary to make the rejections. As such the rejections under 35 U.S.C. § 103 related to Lee must be withdrawn.

It is additionally submitted that the newly presented claims are allowable for the reason that the claims are directed to a moveable assembly which is neither disclosed or taught by any of the cited references.

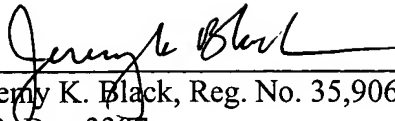
CONCLUSION

It is respectfully submitted that the Office Action has failed to meet the requirements for establishing a prima facie case of anticipation and obviousness and, as such, the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

In an effort to expedite the prosecution of the subject application it is respectfully requested that the Examiner contact the undersigned should any the Examiner have any further questions or comments.

Respectfully Submitted;

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